UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1997/NGO/32
11 August 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Written statement submitted by Fraternité Notre Dame, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 August 1997]

GE.97-13329 (E)

I. ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

1. We acknowledge the right of expression of religious minorities, the same right to existence and respect as is the case for the four or five main recognized religious groups.

2. Fraternité Notre Dame opened missions of the humanitarian type in different countries and was able to observe that churches were intervening with Governments to keep their privileges and arrange so that minorities were not heard. We observed frequently attitudes of discrimination, for example in certain African countries where the installation of bishops and priests from the country of origin would not be favoured. This attitude does not allow the development and flourishing of the expression of the Faith and maintains a form of moral guardianship instead of fostering the cultural identity of the country.

3. Fraternité Notre Dame was, however, able to appreciate an openness of mind and a greater respect for the religious in other countries like the United States of America. There is no reason why religious minorities should not be accepted, as long as they do not represent a danger for the country or infringe on the freedom of individuals. One can find weaknesses in the great religious groups, but while these weaknesses are easily tolerated in those major religious groups, they are not tolerated in minorities. It is a serious thing to prevent the free expression of a religious group.

4. Certain Catholics have decided to close their minds and practise sectarianism towards other forms of belief or towards any expression different from theirs, even going so far as applying pressure and committing religious persecution, which is unworthy of Christian brothers. One's acceptance should not depend on the numerical strength of one's religion or belief; everyone may have a different way of thinking and should be free to express it.

II. THE ROLE OF WOMEN IN DEVELOPMENT

5. A place of dignity must be restored to women in which they may blossom, more in terms of responsibilities than equality of forces.

The place of women in the family

6. In the family, she contributes to the proper physical, moral and spiritual growth of the child and has a right to ensure the education of her children. The social environment should again value and support her role as an educator within the family, which is the primary unit of society.

7. To be the mother of a family should be considered and re-emphasized as being a full job, just like any other profession. The presence and availability of the mother give structure to the physical and psychological development of the child. People need to be sensitized to the legitimacy of this free choice of woman. One can observe that for countries in the southern hemisphere the role of families has been maintained and constitutes the basis of society.

8. Respect of the elderly is practised. They are experienced keepers of the group's values.

9. In its missions Fraternité Notre Dame has also noted that women do not always have the right to express their opinions, notably in the area of health, in which an intermediary comes between them and the medical authorities.

Role of the woman dedicated to the religious life within religious groups

10. In some churches, women do not have a recognized role. The history of churches relates many manifestations of anti-female behaviour. Even though women dedicated to the religious life do not substitute for men, they should have as many responsibilities as men in the various fields of their abilities. The nun is not honoured. A great deal of her responsibilities have been delegated to lay people who do not always have the necessary abilities and availability because of their family and job constraints. The religious vocation as a free commitment should be a free life-choice, just like any other profession. You can only choose what you know; in order to be appreciated, this life-choice should be better known. One often observes ignorance about the nature and responsibilities of the nun devoted to the service of others; her image is often false and erroneous.

11. In its experience, Fraternité Notre Dame has seen that the active and benevolent presence and collaboration of the dedicated religious person is a driving force for humanitarian, social and economic development, fostering human dignity and societal stability.

III. THE RIGHT TO LIFE

12. Every man has a right to live as he likes, which implies the right not to die of starvation, to be fed and to be housed. These basic rights are often denied both in industrialized and in developing countries.

13. The problems of poverty and destitution would soon be resolved if Governments, firms and organizations would only accept to give a very small percentage of their incomes or goods.

14. Why are there so many conflicts throughout the world? Not because human beings are dying from starvation. By solving the problems of hunger, the accumulation of hatred, retaliation, revolt, revolution and war could be avoided.

Prominent role of NGOs

15. We have evidence that NGOs working in the field with the people have a critical role and serve as a channel between the rich and the poor, that is to say between populations which are economically and socially integrated and populations suffering from destitution and need. They are the link which brings work, comfort, health care, education and food, restoring hope and human dignity.

IV. HUMAN RIGHTS OF DETAINEES

16. Assisting those who are detained is a right and a duty. While every detained person is responsible for his/her past actions, he/she nevertheless has a right to be treated as a human being. He/she must be able to express what he/she went through. Armed with their experiences as visitors to penitentiaries for both adults and children in various countries, members of Fraternité Notre Dame have often deplored the varied forms of moral, physical and psychological pressure which are applied against detainees, in violation of their human rights.

V. THE RIGHT TO HAVE ACCESS TO KNOWLEDGE AND CULTURE

17. Fraternité Notre Dame often saw that access to knowledge, books and literacy was ridiculed. For instance, in Haiti, literacy programmes have been prevented by church officials, who are supposed to be the ones to carry them out. Charging money to teach destitute children, a common practice in developing countries, is a violation of the right to education. Other forms of exclusion from school are to be seen in developed countries. For example, children from families with financial problems who cannot afford to pay for food in school cafeterias may also be denied the right to education.

VI. RIGHT TO WORK FOR ADULTS AND THE ELDERLY

18. In certain countries, there is notable discrimination as regards the age of those who apply for a job. Some retired people can feel rejuvenated and become morally richer if they continue to lead an active life. However, this right is not authorized or encouraged everywhere.

VII. RIGHT TO HAVE A CULTURAL AND LINGUISTIC IDENTITY

19. Every cultural and ethnic group has a right to keep and transmit its own values and beliefs which characterize its identity. Fraternité Notre Dame has suffered from this discrimination because of its attachment and faithfulness to its particular religious beliefs. Unity does not mean uniformity, but respect of diversity.

20. On the eve of the twenty-first century, it is regrettable that, as proven by certain investigations, there are so many manifestations of intolerance and persecution against Christians and other religious minorities throughout the world.

UNITED
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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1997/NGO/38
8 August 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 9

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 August 1997]

GE.97-13309 (E)

3. The International Federation of Human Rights Leagues and its affiliates in Ireland, the Committee on the Administration of Justice (CAJ) in Northern Ireland and the Irish Council for Civil Liberties in the Republic of Ireland, continue to be concerned about the situation of human rights in Northern Ireland. It is crucial that the new United Kingdom Government gives immediate priority to the question of rights, both because of the importance this has in principle, and because of the contribution such a focus could make to the peace process.

2. We are also concerned that the Government of the Republic of Ireland has failed to put an end to its special courts and emergency measures.

3. In recent submissions to the Sub-Commission we urged both Governments to dismantle emergency legislation. We also recommended measures to reassure all sections of the population that their rights would be respected and protected. Regrettably, very little, if indeed any, action has been taken in this matter.

4. While there has been continuing violence by republican and loyalist groups, the recent announcement of a new ceasefire by the IRA undermined the oft-repeated justification for the maintenance of emergency laws. We would argue that it is now of particular importance that the Governments of the United Kingdom and the Republic of Ireland live up to their responsibilities under international human rights law and end their emergency regimes.

Northern Ireland

5. In spite of calls from the United Nations Human Rights Committee and the United Nations Committee against Torture to dismantle emergency legislation in Northern Ireland, emergency laws have in fact been renewed and extended.

6. The United Kingdom Government continues to derogate from the International Covenant on Civil and Political Rights and the European Convention on Human Rights in respect of its seven-day detention powers. Restrictions are placed on access to legal advice and the United Kingdom Government has still not responded to the judgement of the European Court of Human Rights in the Murray case which found that the practice in this regard violated the right to a fair trial. Departures from the normal due process of law have contributed to a significant number of miscarriages of justice that have yet to be resolved.

7. In our statement of last year to the Sub-Commission we referred to the situation of prisoners and its relevance to the peace process. We are concerned that the conditions for Irish Republican prisoners in Britain have in fact continued to deteriorate. We have been particularly alarmed at the treatment of Roisin McAliskey, a young woman in relation to whom Amnesty International issued an urgent action on the grounds that she was being held in conditions amounting to inhuman and degrading treatment. We are also concerned that the pace of transfers to Ireland, north and south, remains slow. The suspicious death of Jim McDonnell, a prisoner at Maghaberry prison in Northern Ireland, remains unresolved, more than a year after it occurred. There has been no public inquiry into his death.

8. Reports about the intimidation of defence lawyers by police officers and the wider issue of collusion between some police officers and paramilitaries have not been satisfactorily resolved. Recently, a solicitor was subjected to very serious abuse including verbal abuse via her clients and, in a particularly serious incident, a physical assault upon her person by police officers.

9. The conflict between the rights of marchers and residents around the issue of controversial parades continues. Last year the Government decided to re-route one of the most controversial marches, but the decision was overturned because of the threat and actuality of violence. This year the same march was allowed to proceed on the basis of a similar threat. The taking of decisions on the sole criterion of public order is totally unacceptable. Such a stance undermines the concept of the rule of law, encourages resort to violence in order to achieve one's aims, and leaves the rights of a minority (whoever they might be) unprotected. Public order is an important criterion to be considered, but principles of international human rights and the balancing of rights are clearly also essential to the decision-making process.

10. During the course of the disturbances last year, Dermot Meehane was killed when he was crushed by a British army vehicle. There has still not been any public inquiry into his death. Similarly, there have been a number of recent incidents involving the use of undercover police and army units which have led to serious injuries to a number of individuals. We are concerned that fatalities may occur if the use of these units is not restricted.

11. We are convinced that there should be an immediate ban on the use of plastic bullets which have caused some 17 deaths in Northern Ireland, more than half of them children. In a 60-hour period in early July some 2,400 bullets were fired, suggesting that this is a weapon of first not last, resort for the security forces. Given that the annual average between 1982 and 1996 has been just over 1,000, the enormous surge in their use last summer and this summer is particularly disturbing.

Republic of Ireland

12. The Republic of Ireland has taken and used extensive emergency laws and powers to deal with the overspill of violence from Northern Ireland into its jurisdiction. The Irish authorities still rely on a pre-Second World War anti-terrorist statute called the Offences Against the State Act, 1939. In 1972 the Irish Government used this law to establish a non-jury system of justice and a Special Criminal Court to try paramilitary offences, thus creating a two-tier system of justice since jury trial is prescribed by the Irish Constitution for all other serious charges. The 1939 Act was also amended in 1972 to make the opinion of a police officer persuasive evidence of an accused person's membership of an illegal organization, an offence carrying a potential seven-year jail term.

13. The, Special Criminal Court is still in operation despite a significant decline in paramilitary offences even before the 1994 IRA ceasefire. The Human Rights Committee, when reviewing Ireland's report under the

International Covenant on Civil and Political Rights in July 1991, said it did not consider the continued use of the Special Criminal Court to be justified. It also expressed concern about the extent of police powers in Ireland.

14. The Irish Government promised to review the need for the Special Criminal Court and for exceptional laws generally following the 1994 ceasefire but the result of this review, if it took place, was never announced. There is no provision for periodic review of exceptional measures and the Irish Supreme Court last October held that the courts had no role in reviewing the need for such measures. In a worrying development, the authorities have recently begun to send significant numbers of people charged with non-subversive offences for trial by the Special Criminal Court, thus discriminating against them as compared with other persons charged with non-paramilitary offences.

15. While the Irish Government did respond in some ways to the 1994 IRA ceasefire, we were disappointed that they took no steps to dismantle the Special Criminal Court or repeal the Offences Against the State Act. It was regrettable that the Irish Government did not set an example by restoring due process and ceasing to rely on emergency measures when the level of paramilitary violence was so much less than in Northern Ireland or even in the United Kingdom. We hope that now the IRA ceasefire has been restored, the Republic of Ireland will move quickly to restore the normal rule of law and conform to international human rights standards.

16. We mentioned last year that following the murder of a police officer in June 1996, there had been allegations of ill-treatment of persons arrested for questioning in connection with this crime. Two men who appeared in court showed visible signs of ill-treatment and about a dozen other persons made complaints to the Irish Council for Civil Liberties (ICCL). At one stage attempts were even made to intimidate an ICCL worker into handing over confidential documents concerning these complaints to the police. The ICCL, together with British Irish Rights Watch, has compiled a report on these complaints which will be furnished to the Human Rights Committee.

17. We believe that the Irish Government must hold an independent inquiry into these allegations if it is to show that ill-treatment by its police force will not be tolerated. Few lawyers or human rights workers have confidence that the official police complaints body is sufficiently independent to carry out this task. So far the Irish Government has ignored calls for an inquiry and does not appear to take this matter sufficiently seriously. Once again, determined and patently impartial action by the Irish Government in this matter could set an example for dealing with similar complaints in Northern Ireland where there is a much greater problem of confidence in the police force.

Conclusions

18. We would respectfully request the Sub-Commission to urge the British and Irish Governments to end all emergency legislation and to bring their laws and practices into conformity with international human rights standards. The restoration of the IRA ceasefire provides a timely opportunity for movement in this regard. We welcome the announcement by the British Government of its

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1997/NGO/34
8 August 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 8

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES

Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[8 August 1997]

1. Turkey has for many years now been claiming to have become democratic in accordance with the universal standards of democracy. It also claims to have signed most of the international treaties guaranteeing respect for human rights, children and society. Turkey, a member of the North Atlantic Treaty Organization (NATO), the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, has a population of over 20 million Kurds whose legitimate rights are not recognized. More than 3,000 Kurdish villages have been razed to the ground in a blatant act of ethnic cleansing.

2. The European Parliament in its most recent resolution on the invasion of south Kurdistan by the Turkish army, dated 17 July 1997, condemned the invasion of 14 May 1997 when more than 50,000 Turkish soldiers entered Iraqi Kurdistan; they have not yet completely withdrawn. How can Turkey so easily violate the territorial integrity of a foreign country, threatening the

stability of the entire region, violating international law and defying international public opinion? Villages were bombed in the course of this operation and civilians killed. In addition, Kurdish refugees from Turkey in Ninova, a camp located in the operations zone, were threatened and deprived of all humanitarian aid. In July, 18 children and 3 elderly people in the camp died for lack of the food and medicines supplied by UNHCR. The fact that journalists are forbidden access to the region reveals the serious nature of the situation.

3. The European Parliament, the Council of Europe and the Inter-Parliamentary Union have since their inception adopted numerous resolutions on the human rights situation in Turkey. The European Union has also expressed its concern on several occasions. Such statements have not subsequently been fully supported by the United Nations, nor have they been accompanied by specific pressures. The situation has thus continued to deteriorate.

4. The Turkish State, supported by some NATO members, has also taken advantage of the consequences of the drugs traffic. The German courts have confirmed the involvement of high-level Turkish authorities in this traffic and the anti-mafia commission of the Turkish Parliament has clearly revealed that the Turkish authorities are implicated in the international drugs traffic. According to this commission, more than $50 billion of drug money will mean many more victims if the organizers are not arrested and tried. This money is especially used to finance the paramilitary forces and, the 60,000 village "protection agents" and for the purchase of new weapons.

5. If Turkey maintains this approach today, it is because the war in Kurdistan is largely financed with this money. Does the United Nations have the means to prevent Turkey from filling its coffers with dirty money? Will the United Nations be able to bring its legal and political weight to bear to require Turkey to comply with the universal conditions of respect for human rights?

6. The Kurdish question continues to be an essential factor of the instability which is directly linked to the failure to respect human rights in Turkey, and even in the Middle East overall. The last attempt by the Turkish army to occupy southern Kurdistan was foiled by the Kurdish resistance, which once again demonstrated that until the Kurdish question is resolved by peaceful and political means, the region could at any time undergo civil war. The strategic alliance between Turkey, Israel and the United States has given a new dimension to the conflict opposing States and particularly at the military and geopolitical levels in the Middle East. This spells serious danger for human rights among all the peoples of the region.

7. The Turkish State, foiled in southern Kurdistan (northern Iraq), is attempting to mount a campaign of provocation, disinformation and repression against civil and democratic organizations in Turkey and elsewhere in the world. The five sections of the Human Rights Association (IHD) in Malatya, Diyarbakir, Izmir, Konya and Balikkesir have been closed down and 31 officials of the People's Democracy Party (HADEP), including its President, Mr. Bozlak, have been given heavy prison sentences. At the present time, more than 150 writers and journalists are in prison. The four Kurdish deputies of the

Democracy Party (DEP) are still in prison. The situation of political prisoners is alarming. In September 1996, in Diyarbakir, following a military and police raid on a prison, 10 seriously injured Kurdish prisoners were beaten to death in hospital. A special commission of the Turkish Parliament confirmed this crime against humanity, but to date not one of the persons responsible has been brought to court.

8. Before the approval of the customs union between Turkey and the European Union and its ratification by the European Parliament, on 13 December 1995, Turkey had made some minor changes to its Constitution, considered at the time by many European parliamentarians, by the Kurds and by public democratic opinion in Turkey to be "virtual changes", as was subsequently confirmed. The European and United States Governments hope that a medium-term integration and rapprochement policy, with close cooperation in the political, economic, military and diplomatic spheres, will bring Turkey closer to universal democratic values.

9. The Commission of the European Union, which had made a plea for the customs union with Turkey in its report of 16 July 1997 on the expansion of the European Union, asked that Turkey should not be included among the candidate countries since the persistent use of torture, disappearances and extrajudicial executions despite the Government's reiterated official commitment to put an end to such practices raised the question of the real capacity of the civil authorities to supervise the activities of the security forces and keep them under control.

10. The European Parliament, in its resolution of 13 December 1995, appealed to the Turkish Government, the PKK and other Kurdish organizations to use every available mechanism to find a non-violent and political solution to the Kurdish issue; it asked the PKK to abandon violence and requested the Turkish Government and the Grand National Assembly to lift the curfew in force in the south-east and to consider ways of allowing citizens of Kurdish origin to express their cultural identity while guaranteeing and respecting Turkey's territorial unity.

11. In reply to the PKK's ceasefire declaration of 15 December 1995, the European Parliament stated in its resolution of 18 January 1996 that it welcomed the announcement of a unilateral ceasefire by the President of the PKK, perceiving in it a first positive reaction to its appeal of 13 December 1995; it expressed the hope that the Government of Ankara would see in it a positive contribution to the search for a peaceful solution to the problem and invited all the Turkish parties concerned to take advantage of the opportunity offered to study ways and means of opening up a national dialogue with the objective of finding a political and non-violent solution to the problems in Turkey's south-east region.

12. Turkey has not kept its promises. It is severely criticized by all the human rights organizations. For the first time, Amnesty International has carried out a special seven-month campaign to denounce human rights violations in Turkey. In the prisons, military posts and police stations torture is still systematic. The political parties HADEP, HEP, DEP and ÖZDEP risk being

outlawed. The paramilitary forces have still not been dismantled, disappearances continue and summary executions are routine practice among the security forces.

13. Will Mr. Yilmaz's new Government be able to keep the promises made to the United Nations, to the Council of Europe and to Turkish, Kurdish and world public opinion? Will Europe really use the international instruments to bring about democratic changes in Turkey? Pax Christi International does not ask the European Parliament to suspend its relations with Turkey but simply to insist until the Ankara Governments initiate a process of negotiated solution to the Kurdish question.

14. The war which has existed for 13 years between the Turkish State and the PKK has already caused the loss of more than 30,000 lives. These figures increase daily, weakening both Turkish and Kurdish society. Turkey is on the road to social and political chaos. The division between Turks and Kurds is becoming more and more pronounced.

15. We note that the PKK has on several occasions expressed public support for a peaceful negotiated solution which respects Turkey's territorial integrity. During a television debate on 26 June 1997, Abdullah Öcalan, President of the PKK, made the following statement, aimed particularly at the international organizations: "How many of your decisions - for peace, for human rights, for a political solution - have we failed to respect? What have you asked that we have not respected? We are really and truly not responsible. Since our people is not represented in the international bodies and thus has no means of defending its interests, it does not deserve such injustice. We would like to discuss together what can be done for our peoples in Turkey or Kurdistan, counting a significant period of ceasefire. We would like to explain logically to them, with no strings attached, what road must be followed to reach an equitable solution. In order to stop the blood-letting in Kurdistan and to ensure peace and stability we expect the United Nations, as an international organization, to take a firm stand on the crimes of the Turkish State in Kurdistan. The United Nations has long experience of finding political solutions to conflicts which give rise to the most serious human rights violations. How long is the United Nations going to ignore the bloodiest conflict in the Middle East?"

16. The European Union and the European Parliament have been saying for months that the Kurdish question in Turkey can only be solved by political means. We call upon the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities to condemn the human rights violations committed against the Kurds and to invite the Governments concerned, and first and foremost the Government of Turkey, to respect their commitments to the United Nations. The Sub-Commission cannot ignore the plight of the Kurdish people or the human rights tragedy involved.

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of Minorities
Forty-ninth session
Agenda item 9 (a)

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Written statement submitted by the World Society of Victimology, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[22 August 1997]

1. We appreciate the reports of Mr. Leandro Despouy and of Mr. Louis Joinet pursuant to Economic and Social Council resolution 1985/37 and the Sub-Commission decision 1996/119, identifying the States that have proclaimed, extended or terminated a state of emergency and summing up the principles to campaign against impunity of perpetrators of human rights violations.

2. There is a level below which we cannot go in the treatment of detainees or prisoners.

GE.97-13856 (E)

3. The question of the administration of justice and the human rights of detainees becomes even more different, intricate and sensitive when a people alleges a grievance against a State.

4. Punishment according to lawful sentences should not be an act of violence committed by one person or many against a private citizen, but it should be public, prompt, necessary, the minimum possible under the given circumstances, proportionate to the offence and not disgraced by law.

5. The position that we wish to emphasize and strongly feel that it merits the attention of this Sub-Commission, Governments, intergovernmental organizations and the community of non-governmental organizations is that if a people who rightfully refuse to accept that they violate the public order of the criminal law of a State.

6. The such people as that of the disputed state of Jammu and Kashmir, and the whole State is the Republic of India. The removal of Kashmiris to various prisons and detention centres in India is clearly constitute a punishment of the severest package of punishment. The practice of detaining them in prisons remote from their families is a cold atrocity. Exposing sheer and cruel treatment by a dispirited, unsympathetic or hostile prison staff in a foreign habitat, make the punishment even more inhumane and unbearable.

7. Do these Kashmiris in far removed prisons in India, have any access to the Law? Do they enjoy the unfettered ability to make contact and have confidential meetings with lawyers and to approach the courts? The answer is a simple "no". The geographical location as a real obstacle to be overcome, since lawyers will not eagerly make a trip to these remote locations.

8. The cycle of a Kashmiri to his basic human rights at variance with the avowed stand of India, would of course anger the Government of India. Nevertheless, it should be more than ever a cause of concern for an Indian to respect a Kashmiri "prisoner's" inherent dignity as a person and to recognize that the Kashmiri prisoner does not surrender the protection of law on being imprisoned.

9. This Sub-Commission, Governments, NGOs and the average Indian should ensure at the very minimum that the Indian penal system affords procedures and facilities for ensuring that the Kashmiri prisoner's treatment is at all times just, fair and humane.

10. Mass arrests and the detention of Kashmiris within the state and farther away in remote prisons in India are a serious humanitarian issue. The Government of the Republic of India and the International Committee of the Red Cross signed a Memorandum of Understanding on 22 June 1995 on the question of detained Kashmiris. We find that this Memorandum of Understanding does not seem to have made any marked difference to the plight of Kashmiri prisoners. In this regard we urge this Sub-Commission and NGOs to call upon the Government of India:

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violations invoke this legislation in order to evade inquiries. It has also been used by the Argentine State as a pretext for blocking the pursuit of the national and international legal actions.

22. As regards the impunity accorded to crimes committed during the democracy-building process, the Chamber of Deputies of the Nation has half approved the so-called "repentance law" which provides for impunity to be accorded to a person repenting of a crime prompted by racial, religious, political or professional motives.

B. Social control

23. We have recently been threatened with penalties under an 'anti-revolt' law designed to repress the leading participants in social protests. On the pretext of seeking appropriate instruments for investigating the appalling acts of terrorism against the Argentine Jewish community, the governing party, with the agreement of some of the members of the opposition parties, has introduced legislation that creates a new category of offence intended for social and political opponents.

The organization used by civil society

24. Definition of "disappeared person". The law restituting the custody of persons defined as "absent due to enforced disappearance" is one of the main historic contributions of Mothers, Relatives and Grandmothers to Argentine society. Regrettably, Argentine legislators have not accepted the historic challenge of amending the legislation (civil, labour and penal) in force to enable it to deal with the consequences of the appalling State crime of "enforced disappearance of persons".

25. The indemnification issue. Our organizations have called for the repeal of the decree establishing regulations to implement law 24,411. While we have not obtained that, the law has been amended in response to our proposals and observations.

26. Bicameral Committee of Inquiry. We representatives of the human rights bodies have urged the setting up of a bicameral committee of inquiry to investigate, assemble and systematize all the information on the fate of disappeared persons. A member of the Senate submitted a draft which became invalid because it was not taken up within the regulation period (two years). Currently a new draft has been submitted but unfortunately there seems to be no support for an agreement on it owing to the opposition of the Executive (Ministry of the Interior).

27. This inquiry should include: names and particulars of persons who were taken to, or seen at, secret detention centres; names of the authorities who directly ordered the detention and of those who carried it out; acts that may have caused physical or mental injury to persons illegally detained and names of those who directly ordered such acts or carried them out; names of the authorities in charge of the secret detention centre; fate of persons illegally detained, and names of those who gave the relevant orders; in case of death or disappearance, names of the persons who carried out the execution,